

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

FRANK H. RIZVI,)	
)	
Petitioner,)	
)	
vs.)	No. 06-3485-CV-S-RED-H
)	
JOSEPH E. GUNJA, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner challenges the Bureau of Prisons' denial for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(a). Petitioner has no statutory or constitutional right to compassionate release. The Bureau of Prisons has considered his request and provided him reasons for the denial. In view of the lack of statutory or constitutional duty to release petitioner prior to the expiration of his sentence, no habeas corpus relief is appropriate.

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted. ¹

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: March 9, 2007

¹ Petitioner has 10 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.